

Exhibit 17

From: Murphy, Michael D.
Sent: Friday, May 9, 2025 5:57 PM
To: Beral, Arash; Malynn, Todd M.
Cc: Zollicoffer, Jordan; Follett, Matthew
Subject: RE: Rule 37


I suspect if you said “we see no prejudice, we would agree,” the Magistrate would be more likely to do so as well. I do not understand why you cannot just say that.


The Magistrate was occupied all day. We will be reaching out on Monday with our new settlement proposal. Which, believe it or not, is quite generous to Guy.



Michael Murphy

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From: Beral, Arash <arash.beral@blankrome.com>

Sent: Friday, May 9, 2025 5:49 PM

To: Murphy, Michael D. <mdmurphy@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Follett, Matthew <MFollett@foxrothschild.com>

Subject: [EXT] RE: Rule 37

Mike:

I think you misinterpreted my email. My point was that this issue of a belated opposition filing requires the Court's input. It's not an “extension” issue. I offered to make myself available today and Monday to discuss the matter with the Court. It's now almost 6 pm Friday, so I think you should try to arrange a call with the Court on Monday.

Best,

Arash

Arash Beral | BLANKROME

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[Arash Beral](#) | [Blank Rome LLP](#)

From: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Sent: Friday, May 9, 2025 12:55 PM

To: Beral, Arash <arash.beral@blankrome.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Follett, Matthew <MFollett@foxrothschild.com>

Subject: RE: Rule 37

Arash:

This is a courtesy I am asking, given that what I am briefing is different than what was anticipated, and that the proposed new schedule matches the 14-day opposition deadline generally. You and I both know the gauntlet we have been through in this case. How would you be prejudiced?

A courtesy is all I am asking.

Call me anytime but your response is disappointing. After all we have been through with the Court advising us to cooperate to the extent that he may well still appoint a special master. And yet, we go down this well-trodden path of me asking for, and being refused, a reasonable extension, days after I grant your side one without question.

Mike



Michael Murphy

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From: Beral, Arash <arash.beral@blankrome.com>

Sent: Friday, May 9, 2025 12:33 PM

To: Murphy, Michael D. <mdmurphy@foxrothschild.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Follett, Matthew <MFollett@foxrothschild.com>

Subject: [EXT] RE: Rule 37

Mike,

Hope you get better soon. I sympathize. Many are sick these days; half our staff is gone today. I've been with my son all morning (he has pneumonia). Tough situation for an 8 yr old. As for Todd, I believe he's still waiting on

further results and information from his doctors; he has further testing scheduled over the weekend as I understand.

Like you, we've been dealing with time management and work challenges also. When the briefing schedule was set on our Rule 37 motion (as reflected by Dkt. No. 144), the schedule contemplated us having 10 days to file our motion and you having 11 days to file your opposition and us having 14 days to file a reply. We accelerated efforts to file that motion within the abbreviated timeline. Your opposition was due April 25. Surely if you had asked us on or before April 25 to revise the schedule, we could have dealt with it then and solicited input from the Court on a new schedule. I think you would agree that it's unfair to come to us 2 weeks later (and 25 days after we filed our motion) to inform us that you plan to file a belated opposition today and also propose that we agree to give ourselves *less* time to file a reply (without having had the benefit of seeing what your proposed opposition papers even look like now that you've had 25 days with our motion) during the same week that we will be working on reply papers in the state court case. At the same time, we're not the only affected party here; the Court also is affected. I believe the Court set the briefing schedule in a manner that would give it sufficient time to work this motion up. Not having had the benefit of an opposition by April 25, where does that leave the Court? Where does it leave us? I would have asked for a stipulation or otherwise sought relief by April 25, but if that fell by the wayside for whatever reason, then I think the only option left is to get a conference call with the Court, you, Todd and me. I have various meetings from 1 pm to 4:15 pm today. If you want to try to schedule something for 4:15 pm or later today, I can attend. But I prefer Monday as I'm really backed up today and have multiple meetings this afternoon. I think I can make myself available just about any time on Monday. I don't know Todd's schedule, but if I get notice of a conference, I'll ask him to attend or otherwise attempt to obtain his input beforehand.

Arash

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From: Murphy, Michael D. <mdmurphy@foxrothschild.com>

Sent: Friday, May 9, 2025 10:17 AM

To: Beral, Arash <arash.beral@blankrome.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>

Cc: Zollicoffer, Jordan <JZollicoffer@foxrothschild.com>; Follett, Matthew <MFollett@foxrothschild.com>

Subject: Rule 37

Arash and Todd:

Todd, first off, are you doing ok? Any updates? This week sounded scary.

It has been a busy few weeks in this case, as well as the Cinco case where we have been briefing the 664.6 motion in the state court case (essentially a trial on paper), medication briefs, reviewing documents, etc. And that is just in these matters. Nevertheless, Todd has given me some perspective here.

Anyway, at the April 4 hearing it was contemplated that the Rule 37 Motion would be the first in a set of competing cross-motions and we would be filing an Opposition and a Cross-Motion for reconsideration. We have elected for reasons we will explain, not to proceed with a motion to reconsider, and, as such, all that is on calendar on May 22 will be a motion under Rule 37.

I would like to propose your agreement that we file, today, an opposition to the Rule 37 Motion (which would otherwise be timely as it is being filed 14 days before), and your Reply would be due next Friday. I have been unable to address this before today because of all the other demands in this case, and my others. I am pretty worn down even today, as I am home and quite sick.

Anyway, please advise if this is agreeable.

Thank you,



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